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October 12, 2000

WRITER'S DIRECT NUMBER:

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Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Utility Patent Application
Appl. No. 09/606,314; Filed: June 29, 2000
For: **Dry Powder Cells and Cell Culture Reagents and
Methods of Production Thereof**
Inventors: **FIKE et al.**
Our Ref: 0942.4290005/RWE/BJD

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement (*in duplicate*);
2. List of documents cited on Form PTO-1449 (6 sheets); and
3. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

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Commissioner for Patents
October 12, 2000
Page 2

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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono
Agent for Applicants
Registration No. 42,473

RWE/BJD/awt
Enclosures

#3
10-18-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

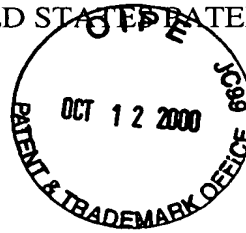
In re application of:

FIKE *et al.*

Appl. No. 09/606,314

Filed: June 29, 2000

For: **Dry Powder Cells and Cell Culture
Reagents and Methods of
Production Thereof**



Art Unit: 1651

Examiner: To be assigned

Atty. Docket: 0942.4290005/RWE/BJD

Information Disclosure Statement

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each of the cited documents was previously submitted to or cited by the office in connection with Applicants' 35 U.S.C. § 120 priority Application No. 09/023,790, filed February 13, 1998. Therefore, copies of these documents are not included herewith. 37 C.F.R. 1.97(c).

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Documents AL1, AN1, and AP1 are in a foreign language. In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following concise explanation

of the relevance of the non-English language document cited on the accompanying Form PTO-1449:

Document AL1, CS 169,007, appears to relate to spray-drying of human and animal serum, serum proteins, and Eagle's MEM by methods that preserve the biological properties of these compositions. An English language abstract from Chemical Abstracts is provided as document AS3.

Document AN1, SU 1097253, appears to relate to preparations of *Lactobacterium acidophilum* which are spray-dried from a protective culture medium containing molasses and optionally also containing beet powder. An English language abstract from the STN WIPDS Database is provided as document AS6.

Document AP1, DK 167090, appears to relate to an apparatus for production of protein granules, particularly by drying aqueous suspensions of heat-sensitive protein materials, that incorporates a spray for aqueous feed with differential air velocity across a fluid bed dryer. An English language abstract from Derwent WPI is provided as document AR5.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono
Agent for Applicants
Registration No. 42,473

Date: Oct. 12, 2000

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